



FORUM

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STATUS OF LOCAL GOVERNMENT COMPREHENSIVE PLANNING

The Area Planning Board (APB) of Palm Beach County has taken an active role in assisting the municipalities of Palm Beach County in meeting the requirements of the 1975 Local Government Comprehensive Planning Act (LGCPA). The APB has prepared technical information papers on the requirements for adoption of plans and suggested contents of transmittal letters, provided technical help in the preparation and updating of local comprehensive plans or element(s) of plans, provided technical assistance to the LGCPA Technical Advisory Committee for Palm Beach County, and prepared a technical paper on meeting the Intergovernmental Coordination aspects of the Act.

ADOPTION REQUIREMENTS OF THE LGCPA

The technical aspects of the adoption process for a comprehensive plan are extremely important, as the adopted plan is considered a legal document and has the full impact of law. As the plan has the impact of law, it can be challenged on procedures for adoption as well as on content. The following discussion describes the procedural requirements for the review/adoption process. The discussion is offered as a guide that can be followed by local governments, but it should not be mistaken for a legal opinion. Any local government's specific adoption schedule should be reviewed for legal consistency by their legal counsel.

Comprehensive plans should be scheduled for adoption on or before July 1, 1979. This deadline can be extended incrementally to July 1, 1980, and again to July 1, 1981 subject to review and approval by the Florida Division of State Planning (Ch. 163.3167, F.S.).

DESCRIPTION OF THE ADOPTION PROCESS

At the time the plan or element(s) is completed by

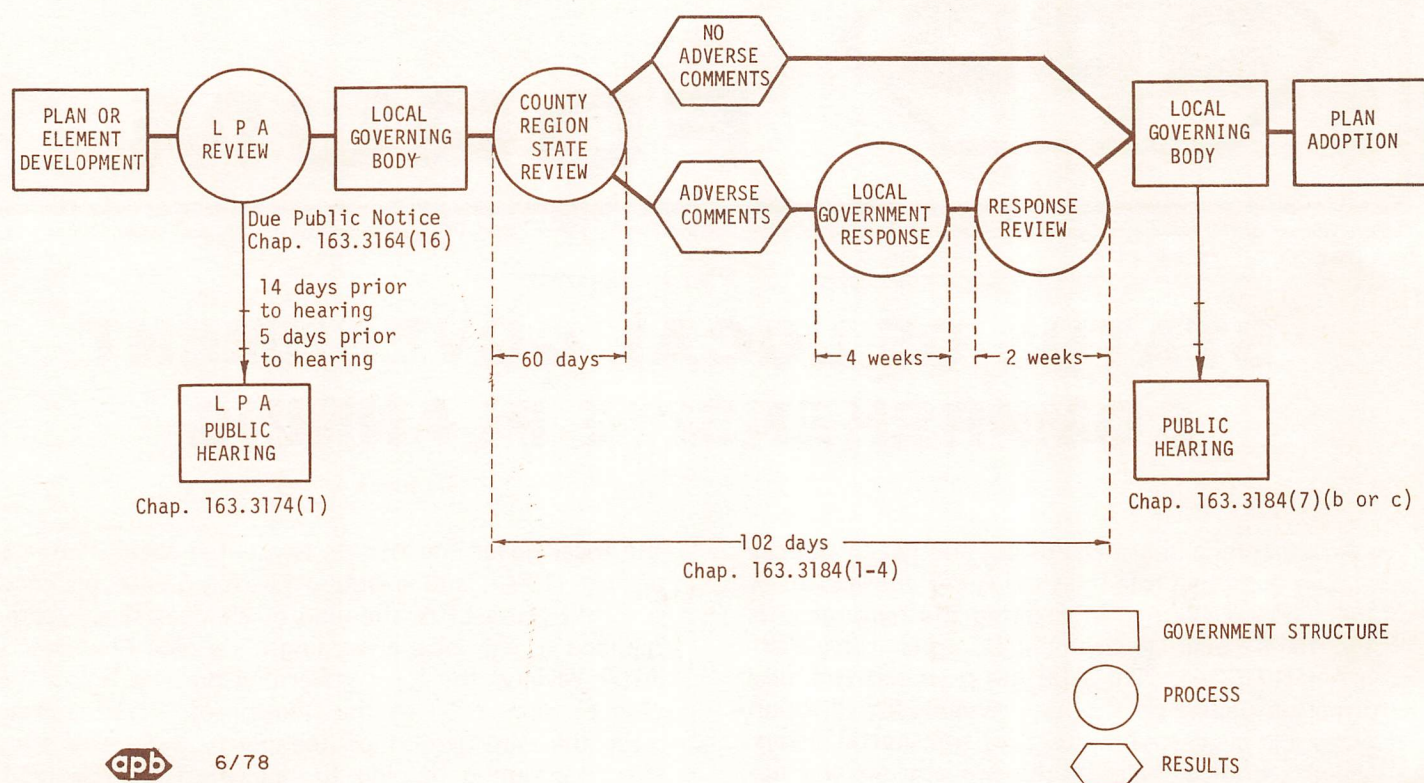
the local governing body's appointed local planning agency (LPA), and a public hearing on the proposal is held by the LPA, the plan or element(s) is recommended to the local governing body (See Flowchart). After review, the local governing body submits the plan or element(s) to the Division of State Planning with the notification of the place, date, and time that the public hearing for adoption will be held. In addition, the governing body also submits copies of the plan or element(s) concurrently to the regional planning agency, county planning agency, and any other municipality or governmental agency who has filed a request for copies with the governing body.

The state, regional, and county planning agencies have 60 concurrent days to review and respond in writing to the local government's plan or element(s). The state, regional, and county agencies may ask for additional review time subject to approval by the local governing body.

In the event that the state, regional, or county agencies transmit any objections concerning the plan or element(s) the local governing body has four (4) weeks to respond in writing. The local governing body must then wait two (2) weeks before they may begin adoption hearings. At the end of this period the local governing body may adopt the plan provided that a public hearing for the adoption of the plan is held subject to due public notice. This additional time to respond to comments expands the total review period to a minimum 102 days.

Any comment, recommendation, or objection by the state, regional, or county planning agencies becomes a part of the permanent record, and admissible in any proceeding in which the plan or element(s) may be at issue.

LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT ADOPTION SCHEDULE



6/78

The adoption of the comprehensive plan must be accomplished by a majority vote of the total membership of the governing body.

The adoption process as prescribed by law (Ch. 163.3184(7), F.S.) outlines procedures to adopt plans that have land use elements of less than 5% of the total area of the community or a land use element that is greater than 5% of the community. A local government adopting a land use element that covers less than 5% of the community must notify affected property owners by mail thirty (30) days prior to the date of the public hearing. A land use element covering greater than 5% of the total land area of the jurisdiction must hold two (2) public hearings. The first may be held either by the LPA or the local governing body and the second hearing must be held by the local governing body. These public hearings must be held after 5:00 pm on a weekday. The first shall be held seven (7) days after the first advertisement, the second must be held two (2) weeks after the first hearing and must have (5) days prior notice (Ch. 163.3184(7) (b) and (c), F.S.).

Upon adoption of the comprehensive plan, copies must be transmitted to the state, regional, and county planning agencies and any other unit of local government which has filed a request for the plan or element(s).

PREPARATION OF LOCAL COMPREHENSIVE PLANS

The APB provided technical assistance to many local governments in the preparation/updating of plans or elements of plans in FY 1978-79 to meet the requirements of the LGCPA through contractual agreements. The municipalities that contracted for full and complete updates were Palm Springs, Tequesta, and Atlantis. Those receiving partial updates were Cloud Lake, North Palm Beach, South Palm Beach and Palm Beach Shores. Additionally, professional assistance was provided to the Belle Glade staff in preparation of their plan.

STATUS OF LOCAL COMPREHENSIVE PLANS

The 37 municipalities in Palm Beach County, the unincorporated area of Palm Beach County, and the Port of Palm Beach are all involved in the comprehensive planning process. Of the 37 municipalities, 25 have completed their plans. However, only 5 have adopted their plans per the requirements of the LGCPA. The remaining municipal plans have yet to be adopted because they are in the review/adoption process. Only 12 have yet to complete plans and are currently underway in the planning process. The comprehensive plan for the unincorporated portion of Palm Beach County is currently being prepared and the Port of Palm Beach has adopted their plan.

STATUS OF COMPREHENSIVE PLANS IN PALM BEACH COUNTY

AS REQUIRED BY THE FLORIDA LGCPA

(June, 1979)

JURISDICTION	PLAN STATUS	LOCAL GOVERNMENT ACTION
Atlantis	Completed	In Review
Belle Glade	Completed	In Review
Boca Raton	Completed	In Review
Boynton Beach	Completed	In Review
Briny Breezes	In Process	N/A
Cloud Lake	Completed	In Review
Delray Beach	Completed	In Review
Glen Ridge	In Process	N/A
Golf	Completed	Adopted
Golfview	Completed	In Review
Greenacres City	In Process	N/A
Gulf Stream	Completed	In Review
Haverhill	In Process	N/A
Highland Beach	Completed	Adopted
Hypoluxo	Completed	Adopted
Juno Beach	Completed	Adopted
Jupiter	Completed	Adopted
Jupiter Inlet Colony	Completed	In Review
Lake Clarke Shores	In Process	N/A
Lake Park	In Process	N/A
Lake Worth	Completed	In Review
Lantana	In Process	N/A
Manalapan	In Process	N/A
Mangonia Park	In Process	N/A
North Palm Beach	Completed	In Review
Ocean Ridge	In Process	N/A
Pahokee	Completed	In Review
Palm Beach	Completed	In Review
Palm Beach Gardens	In Process	N/A
Palm Beach Shores	Completed	In Review
Palm Springs	Completed	In Review
Riviera Beach	In Process	N/A
Royal Palm Beach	Completed	In Review
South Bay	Completed	In Review
South Palm Beach	Completed	In Review
Tequesta	Completed	In Review
West Palm Beach	Completed	In Review
Palm Beach County	In Process	N/A
Port of Palm Beach	Completed	Adopted

N/A - No Action

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